

IN THE UNITED STATES DISTRICT COURT  
**RECEIVED** FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

2005 NOV 30 P 1:56  
CSX TRANSPORTATION, INC., )

DEBRA P. HACKETT, CLK  
Plaintiff, DISTRICT COURT  
MIDDLE DISTRICT ALA )

v. )

Civil Action No.: CV-05-1120-C

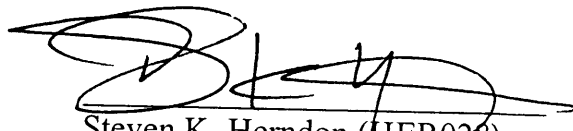
R.J. CORMAN DERAILMENT )  
SERVICES, LLC, R.J. CORMAN )  
RAILROAD GROUP, and R.J. )  
CORMAN COMPANY, )

Defendants. )

NOTICE OF PROCEEDING

Come now the defendants R.J. Corman Railroad Group, LLC and R.J. Corman Derailment Services, LLC, (successor in interest to R.J. Corman doing business as R.J. Corman Company) and give notice to the Attorney General of the State of Alabama, pursuant to Section 6-6-227, Code of Alabama (1975) as amended, of its challenge to the constitutionality of the recovery of punitive damages in the above styled action. A copy of the Complaint and Answers of these defendants are attached and served with this Notice of Proceeding.

Respectfully submitted,

  
Steven K. Herndon (HER028)  
Andrew W. Christman (CHR024)  
Attorneys for Defendants

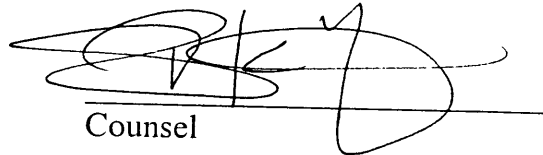
OF COUNSEL:  
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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed, this 30<sup>th</sup> day of November, 2005.

Mr. Morris Wade Richardson  
Ms. Elizabeth R. Floyd  
Adams and Reese/Lange Simpson, LLP  
2100 3rd Ave. North, Ste. 1100  
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Mr. Troy King  
Alabama State Attorney General  
11 S. Union Street  
Montgomery, AL 36130

  
Counsel